

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS DORSEY,

Plaintiff,

v.

9:10-CV-1196
(GTS/TWD)

MR. JEFF NOWICKI, Chief of Mental Health
Services; DR. KASKIW, Facility Physician;
MS. CHARMAINE BILL, Treatment Team
Leader; MR. DONALD SCAGEL, Ward Nurse;
and MR. RYAN BRENNAN, S.C.T.A. Staff,

Defendants.

APPEARANCES:

OF COUNSEL:

THOMAS DORSEY
Plaintiff, *Pro Se*
1363 Echo Lake Lane
Rocky Mount, North Carolina 27803

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Counsel for Defendants
The Capitol
Albany, New York 12224

DEAN J. HIGGINS, ESQ.
Assistant Attorney General

HON. GLENN T. SUDDABY, United States District Judge

MEMORANDUM-DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Thomas Dorsey (“Plaintiff”) against the five above-named correctional employees (“Defendants”), are the following: (1) Defendants’ motion to compel Plaintiff’s attendance at his deposition and for the imposition of monetary sanctions against Plaintiff for previously failing to appear for his deposition, pursuant to Fed. R. Civ. P. 37(b)(2)(C) and 37(d)(3) (Dkt. No. 22); (2) Plaintiff’s response to the motion, advising the Court that he no longer wishes to pursue this action (Dkt.

No. 25); and (3) United States Magistrate Judge Therese Wiley Dancks' Report-Recommendation recommending that Defendants' motion be denied as moot and that Plaintiff's Complaint be dismissed in its entirety with prejudice (Dkt. No. 28). Plaintiff has not filed an Objection to the Report-Recommendation, and the deadline to do so has expired. Based on a clear-error review of the Report-Recommendation, the Court accepts and adopts the Report-Recommendation in its entirety for the reasons stated therein. *See* 28 U.S.C. § 636(b).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 28) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

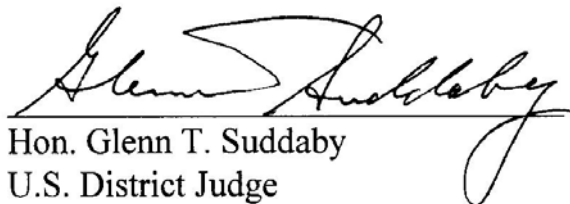
ORDERED that Defendants' motion to compel and for sanctions (Dkt. No. 22) is **DENIED** as moot; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** with prejudice.

The Clerk's Office is directed to close this action.

The Court hereby certifies, for purposes of 28 U.S.C. § 1915(a)(3), that any appeal taken from this Decision and Order would not be taken in good faith.

Dated: June 29, 2012
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge